

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
June 10, 1997

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council Members

**SUBJECT:** Z-3228 - ROGER NELSON (APPLICANT); JOYLAND HILLSIDE PARK, INC. (PROPERTY OWNER/APPLICANT); MICHELE GOODRICH (AGENT) REQUEST ZONE CHANGE FROM "LC" LIMITED COMMERCIAL & "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL (DISTRICT #3)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

**MAPC Recommendation:** Approve, subject to platting within one year and subject to the additional provisions of a Protective Overlay (P-O) district.

**Staff Recommendation:** Approve, subject to platting within one year and subject to the additional provisions of a Protective Overlay (P-O) district.

**CPO Recommendation:** Approve, subject to platting within one year and subject to the additional provisions of a Protective Overlay (P-O) district (6-0).

**Background:** The applicant requests a zone change from "LC" Limited Commercial and "SF-6" Single-Family Residential to "GC" General Commercial on a 1.05 acre unplatted tract located southwest of Hillside and Wassall (vacated).

The applicant is requesting the zone change in order to relocate an existing machine shop from his residence. The shop manufactures small aircraft parts, generally between the hours of 8:00 AM to 5:00 PM, requires no outdoor storage, and has infrequent deliveries. Currently, the applicant is the only employee of the shop, but may hire an additional five to six employees in the future. The applicant intends to construct a 50 ft. by 100 ft. metal building with a Drivet exterior finish, and locate the required parking along the north side of the building.

The subject property is currently being platted as the Nelson's Hillside Park Addition (the preliminary plat was submitted on April 2, 1997 and scheduled for the May 8, 1997 Subdivision

meeting). The plat provides a 30 ft. private drive agreement along Joyland's entrance drive, with another existing driveway onto Hillside. The applicant has indicated that the direct drive to Hillside is not necessary. The majority of the property is zoned "LC", with the western 43 ft. zoned "SF-6".

A recent zoning case (Z-3221) for Precision Metalcraft, Inc. was approved by the City Council on April 1, 1997, granting 2.32 acres of "LI" zoning with a Protective Overlay limiting the uses on the western portion of that site. South of the application area is Gypsum Creek with Carson's Body Shop on property zoned "LC" further to the south. Across Hillside to the east is the Parkway Health Care Center on property zoned "LC". Joyland Amusement Park is located to the west of the subject property on property zoned "SF-6", as is undeveloped land to the north.

The Unified Zoning Code first permits machine shops in the "GC" General Commercial district, provided that the entire frontage of the ground floor along the principle street frontage is used for office space, display, or wholesale or retail sales, otherwise the use would be permitted in the "LI" district.

During the MAPC discussion of this matter, several Commissioners questioned staff on the Comprehensive Plan's treatment of the subject property. The application area is located within the "conservation" category of the Plan which calls for protection against decline by "insuring population stability, and maintain levels of investment, market strength, environmental quality, and neighborhood character." Staff stated this request would be consistent with that category. After discussion, the MAPC voted 13-0 to approve the request as recommended by staff.

**Recommendation:**

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on the first hearing.)

( ) Published in The Daily Reporter on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY CITY OF WICHITA CODE SEC. 28.04.010.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Sec 28.04.010, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. Z-3228**

Zone change request from "LC" Limited Commercial and "SF-6" Single-Family Residential District to "GC" General Commercial District and to "P-O" Protective Overlay District #15, described as:

A tract in the Southeast Quarter of section 3, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning at a point on the north line of the southeast quarter of said Section 3, which is 50 feet west of the northeast corner of said southeast quarter; thence south, parallel with the east line of said southeast quarter, a distance of 30 feet; thence east parallel with the north line of said southeast quarter, a distance of 10 feet; thence south, parallel with the east line of said quarter, a distance of 92 feet; thence southwesterly to a point which is 185 feet south and 240 feet west of the northeast corner of said southeast quarter; thence west, parallel with the north line of said southeast quarter, a distance of 102 feet; thence north, parallel with the east line of said quarter, a distance of 185 feet to the north line of said quarter; thence east, on said north line, a distance of 292 feet to the point of beginning. Generally located on the southwest corner of Hillside and Wassall (vacated).

SUBJECT TO THE FOLLOWING PROTECTIVE OVERLAY RESTRICTIONS:

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1. The uses allowed on the property shall be limited to machine shop and warehouse, and all uses permitted in the "NR" Neighborhood Retail district.
2. There shall be no outside storage permitted on this site.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED AT WICHITA, KANSAS,** \_\_\_\_\_

**ATTEST:**

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Pat Burnett, City Clerk

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Bob Knight, Mayor

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney